

Tracking Motions to Seal

In March 2004, the court amended its rules concerning motions to seal, providing more public disclosure of these motions. The full text of the rules – Local Civil Rule 5 and Local Criminal Rule 49 – are on the court's web site: www.vaed.uscourts.gov. Here's how members of the public can track motions to seal:

Motions to Seal a Document

Motions to seal a particular document, made in a civil or criminal case that is otherwise a matter of public record, are listed on the docket of that case. The party requesting sealing must also file a public document that describes:

- What is to be sealed.
- Why sealing is necessary, and why another procedure short of sealing (such as redacting portions of the document) will not suffice.
- Previous court decisions which concern sealing documents.
- How long the party wants the document to be sealed.

Members of the public may file motions supporting or opposing the motion to seal, as described in more detail in the court's Local Rules.

Motions to Seal an Entire Case

Motions Made in Criminal Cases Prior to the Defendant's Arrest

When prosecutors file an arrest warrant, a criminal complaint or a grand jury indictment, they will generally request the case be sealed until the defendant's arrest, so that the defendant does not learn of the investigation and try to evade arrest.

Members of the public are given notice, as described below, when these motions are made, but they are not entitled to view the motions themselves, court decisions granting sealing, or the defendant's name.

These motions are recorded on the Sealed Cases Log; a new log is created by each division of the court each calendar year. The log can be viewed for free on the Clerk's Office computer terminals or for a fee on the court's Pacer Internet site (<http://pacer.vaed.uscourts.gov>).

On the Clerk's Office computer terminals, go to the "Search by Case Number" screen and type::

Case Office: 1 for Alexandria, 2 for Norfolk, 3 for Richmond, 4 for Newport News
Year: 04, if the motion was made in 2004
Type: sc
Number: 1

On Pacer, search for the case number of the appropriate log. The Richmond Division's 2004 log, for instance, would be case number 3:04sc1

Motions Made in Criminal Cases After the Defendant's Arrest and Motions Made in Civil Cases

These motions are recorded on the court's Sealed Cases Log and on the docket of the particular case. As described in the "Motions to Seal a Document" section above, the party must file a public document outlining the reasons for sealing, and members of the public may file motions supporting or opposing the motion to seal.